

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.09 E3, Closed Area 53-D, Flat Bay, Harrington, promulgated on April 27, 1992, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.09 E3, Closed Area 53-D, Curtis Creek, Harrington.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Curtis Creek, Harrington. This closure is located at the north end of Flat Bay and northerly of a line drawn between two red painted posts at the mouth of Curtis Creek (approximately 1300 yards south of U.S. Route 1).

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: September 3, 1993


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BANGOR DAILY NEWS  
September 7, 1993

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.09 E3, Closed Area 53-D, Flat Bay, Harrington, promulgated on April 27, 1992, and replaces it with a new regulation. This new regulation opens that area of Flat Bay southerly of a line drawn across the mouth of Curtis Creek.

Department personnel have determined that shellfish located in the area south of Curtis Creek (Flat Bay) can be harvested without threat to the public health. Curtis Creek is subject to intermittent microbiological pollution and will remain closed to protect the public health.

  
E. PENN ESTABROOK  
Deputy Commissioner

